

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KRISTIAN TYRONE DAILEY,

Plaintiff,

v.

ERIC ARNOLD,

Defendant.

Case No. [17-cv-04670-MEJ](#)

ORDER TO SHOW CAUSE

Petitioner Kristian Dailey, who is in custody, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court has reviewed the petition and concludes that it warrants a response. Accordingly, IT IS HEREBY ORDERED as follows:

- (1) The Clerk of Court shall serve a copy of the Petition and this Order upon Respondent Eric Arnold and the Attorney General of the State of California. *See* 28 U.S.C. § 2254, Rule 4.
- (2) Respondent shall then file and serve an answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6. No later than October 30, 2017, Respondent shall file with the answer and serve on Petitioner a copy of all portions of the underlying state criminal record that were previously transcribed and are relevant to the issues presented by the petition.
- (3) No later than November 29, 2017, Petitioner may serve and file a traverse responding to matters raised in the answer in accordance with 28 U.S.C. § 2254, Rule 5 and Habeas Corpus Local Rule 2254-6.
- (4) Respondent may file a motion to dismiss on procedural grounds in lieu of an answer, as set forth in the Advisory Committee Notes to Rule 4 of the Rules Governing Section 2254 Cases. If such a motion is filed, Petitioner shall file with the Court and serve on Respondent an opposition or statement of non-opposition within 28 days of the date the

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motion is filed, and Respondent(s) shall file with the Court and serve on Petitioner a reply within 14 days of the date any opposition is filed.

IT IS SO ORDERED.

Dated: August 30, 2017



MARIA-ELENA JAMES
United States Magistrate Judge